

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LARRY BARBER,

Plaintiff,

vs.

Civil Action No. 22-cv-10665  
HON. BERNARD A. FRIEDMAN  
MAG. JONATHAN J.C. GREY

TIM HORTON CORP., *et al.*

Defendants.

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**OPINION AND ORDER ACCEPTING AND ADOPTING THE  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION AND  
DISMISSING THE CASE FOR FAILURE TO EFFECTUATE SERVICE**

Before the Court is Magistrate Judge Jonathan J.C. Grey’s September 26, 2022 report and recommendation. (ECF No. 13). The report recommends that the Court dismiss the complaint *sua sponte* because plaintiff Larry Barber failed to effectuate service of process and prosecute this case. (*Id.*, PageID.45). Barber did not object to the report and recommendation pursuant to Fed. R. Civ. P. 72(b)(2).

This Court had an opportunity to fully review the matter and believes the magistrate judge reached the correct conclusions for the proper reasons. Accordingly,

IT IS ORDERED that Magistrate Judge Jonathan J.C. Grey's September 26, 2022 report and recommendation (ECF No. 13) is hereby accepted and adopted.

IT IS FURTHER ORDERED that the complaint is dismissed without prejudice for failure to effectuate service and to prosecute this matter. Fed. R. Civ. P. 4(m), 41(b), and E.D. Mich. LR 41.2.

Dated: October 31, 2022  
Detroit, Michigan

s/Bernard A. Friedman  
Bernard A. Friedman  
Senior United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on October 31, 2022.

**Larry Barber**  
1701 Heatherwood Dr.  
No. 104  
Inkster, MI 48141

s/Johnetta M. Curry-Williams  
Case Manager